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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,024	08/02/2001	Charles R. Weirauch	10971523-4	8145

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EXAMINER

DINH, TAN X

ART UNIT PAPER NUMBER

2653

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,024

Applicant(s)

WEIRAUCH ET AL.

Examiner

TAN X. DINH

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1) Applicant's election of Group I (claims 3 and 4) in the reply filed on 12/13/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 5 and 6 are withdrawn from further consideration.

2) Claims 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 3 recites "the data structure including a header; the header including a bit specifying control of reading part of the data structure" which was not described in the original specification. Applicant states that support for new claim 3 can be found at page 8, lines 24-26. However, the specification, page 8, line 21 to page 9, line 11 states that "Now return to the UCDA (figure 2, 204). The UCDA contains single bit fields, where each bit specifies an access control attribute. The UCDA is used only when a drive does not recognize a DCB ID, and therefore cannot interpret any information, or specifically cannot interpret access

control information within the DCB-specific area of the DCB. When a drive does not recognize a DCB ID, the UCDA for the unrecognized DCB overrides all other access controls in all DCB's and so forth”, which does not equivalent to the phrase “ the header including a bit specifying control of reading part of the data structure ” as claimed.

Claim 4 recites “ the header including a bit specifying control of overwriting the data structure ” which was not described in the original specification. Applicant states that support for new claim 4 can be found at page 8, line 27. However, the specification, page 8, line 21 to page 9, line 11 states that “ Now return to the UCDA (figure 2, 204). The UCDA contains single bit fields, where each bit specifies an access control attribute. The UCDA is used only when a drive does not recognize a DCB ID, and therefore cannot interpret any information, or specifically cannot interpret access control information within the DCB-specific area of the DCB and so forth”, which does not equivalent to the phrase “ the header including a bit specifying control of overwriting the data structure ” as claimed.

3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 2653

4) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) Claim 3 *and* 4 are rejected under 35 U.S.C. 102(b) as being anticipated by CURTIS et al (5,233,576).

CURTIS et al discloses a data storage medium as claimed in claim 3 comprises data stored in the form of data structure, the data structure including a header, the header including a bit specifying control of reading part of the data structure (Fig.4, the data of sector formed data structure (PREAMBLE 402, SYNC 404, SECTOR NUMBER 406, DATA AREA 408 and CRC 410). See also column 3, lines 35-60. In this case, a storage state bit is located in each sector, the storage state bit indicated the medium is read-only or writable and set a suitable reading process thereafter, this storage state bit is located in the header of data structure of sector (see figure 2, the storage state bit is located on sector mark field which is the header of data structure of each sector, see also column 3, lines 54-60)).

As to claim 4, CURTIS et al shows the header including a bit specifying control overwriting the data structure (column 3, lines 36-53. In this case, the storage state bit indicated the medium is read-only or MO (magneto-optical storage medium), the MO is writable, erasable and rewritable storage medium).

6) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire *THREE MONTHS* from the mailing date of this action. In the event a first reply is filed within *TWO MONTHS* of the mailing date of this final action and the advisory action is not mailed until after the end of the *THREE-MONTH* shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than *SIX MONTHS* from the date of this final action.

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner TAN X. DINH whose telephone number is (571)272-7586. The

examiner can normally be reached on Monday-Friday from 8:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER
May 11, 2005